

HOW TO FILE AN UNFAIR LABOR PRACTICE CHARGE

To file an unfair labor practice charge, follow the instructions below. Charges should be printed legibly on a form furnished by the Michigan Employment Relations Commission (MERC). By statute, a party must file and serve a charge on the opposing party or parties within six months from the date of the alleged violation or it will be dismissed. Note that not every workplace action that you view as unfair is an unfair labor practice.

1. If you are filing a charge against your employer, indicate the employer's name and address in **Section 1**. Indicate whether your employer is in the public (governmental) or private sector by checking the appropriate box. If you wish to file a charge against a union, set forth the name and address of the union in **Section 2**. If you wish to file a charge against both an employer and a union, you must file two separate forms.
2. **Section 3** requires a brief summary of the violation.
 - Unfair labor practice charges filed against public sector employers and unions representing public sector employees are, in most cases, under MERC's jurisdiction and are governed by the Public Employment Relations Act. Thus, if your charge is against a public sector employer or a union representing public sector employees, cross out the phrase "Act 176, Public Acts of 1939, as amended (Labor Mediation Act)." Note that MERC does not have jurisdiction over state or federal government employees.
 - Unfair labor practice charges filed against private sector employers that are within MERC's jurisdiction are governed by the Labor Mediation Act. Because the National Labor Relations Board (NLRB) retains jurisdiction over most unfair labor practices in the private sector, you may wish to contact the NLRB before filing a charge with MERC to avoid a statute of limitations issue. Refer to our Frequently Asked Questions information sheets on our Website at www.michigan.gov/merc or call the NLRB for further information. (See NLRB's contact information on our FAQ sheets.) For charges within MERC's jurisdiction against a private sector employer, cross out the phrase "Act 336, Public Acts of 1947, as amended (Public Employment Relations Act)."
 - In the underlined space provided, indicate the section(s) of the Public Employment Relations Act or the Labor Mediation Act alleged to have been violated. These statutes are located on our Website at www.michigan.gov/merc, along with our agency's administrative rules.
 - In the space provided in **Section 3**, concisely specify the facts supporting the charge, including relevant names, dates, places, and any other important information. You may attach additional sheets if necessary. Do not include documents or other exhibits with the charge; you will have an opportunity to present them at the hearing, if one is held.
3. In **Section 4**, print your name, address, and telephone number. Sign your name on the line provided below Section 4, and complete the boxes below your signature.
4. When the charge is complete, sign it and send the original and four copies to MERC at either address indicated on the charge. You must also serve a copy of the charge on the opposing party or parties. File a statement of service indicating that you have done so.
5. After the filing is complete, the charge may be assigned to an Administrative Law Judge, who will send the parties a notice of hearing, setting a date and time for the hearing.